



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

411 West 4th Avenue
Anchorage, Alaska 99501
<http://www.ak.blm.gov>



Categorical Exclusion (CX)

Temporary Use Permit for Temporary Housing at Atigun Camp Pad

DOI-BLM-AK-9940-2009-0008-CX

A. Background

BLM Office: Office of Pipeline Monitoring (AK-994) BLM Case File No. FF095551

Applicant: Denali – The Alaska Gas Pipeline LLC, P.O. Box 196660, MS 502, Anchorage, AK 99519-6660

Proposed Action Title: TUP for Temporary Housing at Atigun Camp Pad

Location/Legal Description: The site is located on the Dalton Highway MP 250 in T. 15 S., R. 12 E., Sec. 5, NW¼NW¼, and Sec. 6, N½, Umiat Meridian, Alaska.

Description of the Proposed Action: BLM proposes to issue a Temporary Use Permit (TUP), serial number FF095551, to Denali – The Alaska Gas Pipeline LLC (Denali), for temporary housing and a 1.8 meter, receive-only satellite antenna, antenna mount, and approximately 1500 feet of fiber optic and low voltage DC power cable (black) in the existing cleared area at the old Atigun Camp Pad in support of field work for a proposed natural gas pipeline right-of-way. This project requires no ground disturbing activities or construction.

B. Land Use Plan (LUP) Conformance

Land Use Plan Name: *Utility Corridor Resource Management Plan and Final Environmental Impact Statement* Date Approved: January 1991

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions: Issuance of rights-of-way for oil and natural gas pipelines and related facilities are dealt with specifically on page 2-24 of the Utility Corridor RMP, "FLPMA leases on federal lands would be considered where environmentally feasible and compatible with management objectives" and in Appendix N page N-8, Implementing Actions item 7, "Approve use authorization applications with emphasis given to previously disturbed sites."

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Appendix 4 E.16. “. . . issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes. .”

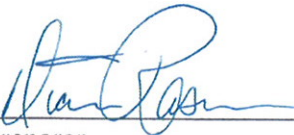
This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM2, Appendix 2, apply.

Criteria for Exception	NO	Yes
1. Have significant impacts on public health or safety.	X	
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	X	
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	X	
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	X	
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	X	
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	X	
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	X	
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	X	
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	X	
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	X	
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	X	
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	X	

Attached Documents: Exhibit A – Special Stipulations, Exhibit B – Maps

D: Signatures

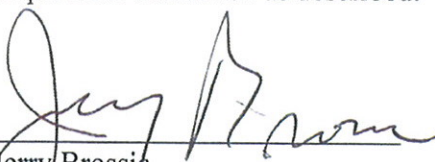
I have reviewed the proposed action in accordance with the above criteria and have determined that the proposed action would not involve any significant environmental impacts. Therefore, the action does not meet any of the criteria for exception and is categorically excluded from further environmental review.


Preparer

Realty Specialist
Title

May 14, 2009
Date

Decision and Rationale: I have reviewed this action for plan conformance and NEPA Categorical Exclusion Review. Based on this review, I have determined that the proposed project is in conformance with the approved land use plans and involves no significant impact to the human environment. No further environmental analysis is required. It is my decision to implement this action as described.


Jerry Brossia
Authorized Officer
BLM, Office of Pipeline Monitoring

5-26-09
Date

Contact Person

For additional information concerning this CX review, contact Diann Rasmussen, Realty Specialist, Bureau of Land Management, Office of Pipeline Monitoring, 411 West 4th Avenue, Suite 2, Anchorage, AK 99501, (907) 257-1341.

Exhibit A
Special Stipulations
FF095551
May 15, 2009

1. GENERAL

- 1.1 This Permit applies to lands under jurisdiction of the Bureau of Land Management (BLM).
- 1.2 This Temporary Use Permit (TUP) is subject to all valid rights existing on the effective date of this TUP.
- 1.3 There is reserved to the BLM Authorized Officers, the right to grant additional rights-of-way, leases or permits for compatible uses on, over, under or adjacent to the land involved in this TUP.
- 1.4 With regard to this TUP: (1) Permittee shall ensure full compliance with the provisions of this TUP, including these Special Stipulations, by their agents, employees and contractors (including subcontractors of any tier), and the employees of each of them. (2) Unless clearly inapplicable, the requirements and prohibitions imposed upon permittee by these Special Stipulations are also imposed upon the permittee's agents, employees, contractors, and subcontractors, and the employees of each of them. (3) Failure or refusal of a permittee's agents, employees, contractors, subcontractors, or their employees to comply with these Special Stipulations shall be deemed to be the failure or refusal of the permittee. (4) The permittee shall require its agents; contractors and subcontractors to include these Special Stipulations in all contracts and subcontracts which are entered into by any of them in relation to this TUP or an Alaska gas pipeline, together with a provision that the other contracting party, together with its agents, employees, contractors and subcontractors, and the employees of each of them, shall likewise be bound to comply with these Special Stipulations.
- 1.5 Activities shall be conducted in such a manner as to not cause damage or disturbance to any historical or archaeological sites and artifacts. The Antiquities Act (1906), Archeological Resources Protection Act (1979), Federal Land and Policy Management Act (1976), and general United States property laws and regulations, all prohibit the appropriation, excavation, damage, or destruction of any historic or prehistoric ruin or monument, or any other object of antiquity situated on lands owned or controlled by the United States (16 U.S.C. 432; 16 U.S.C 470; 18 U.S.C. 641; 18 U.S.C. 1361; 43 U.S.C. 1733(a); 43 CFR 8365.1). Such items include both prehistoric stone tools and sites, as well as historic log cabins, remnants of such structures, refuse dumps, and other such features. Also, collection of vertebrate fossils, including mammoths and mastodon bones, tusks, etc., is strictly prohibited. If any such site is discovered during the permitted activity, the permittee shall suspend all operations in the immediate area of such discovery and notify the BLM/OPM Authorized Officer (907-257-1300) and the BLM Fairbanks District Office cultural resource personnel (907-474-2200). Written authorization to proceed will be issued by the BLM/OPM Authorized Officer to resume operations.

- 1.6 A copy of this TUP must be on site during any of the activities permitted herein.
- 1.7 The permittee of this TUP shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
- 1.8 The BLM/OPM Authorized Officer reserves the option to have an authorized representative on site at any time during the operations conducted under this TUP. The permittee will notify the Supervisory Program Administrator at the BLM/OPM Fairbanks Field Station at (907-474-2383) during regular business hours at least 48 hours before occupying the facilities or moving or removing any of the facilities.
- 1.9 The permittee shall comply with all existing and subsequently enacted, issued, or amended Federal laws and regulations, and state laws and regulations applicable to the authorized use.
- 1.10 The permittee, its agents, employees, and contractors, including subcontractors at any level shall not conduct any camping, fishing, trapping, hunting or shooting on federal lands while conducting activities under this TUP.
- 1.11 Protection of Survey Monuments and Existing Facilities
 - 1.11.1 Permittee shall mark and protect all geodetic survey monuments encountered during the operation, maintenance and termination of the TUP. These monuments are not to be disturbed; however, if such a disturbance occurs, the Authorized Officer shall be immediately notified thereof in writing.
 - 1.11.2 If any land survey monuments, corners, or accessories (excluding geodetic survey monuments) are destroyed, obliterated or damaged, Permittee shall employ a qualified land surveyor to reestablish or restore same in accordance with the "Manual of Instruction for the Survey of Public Lands" and shall record such survey in the appropriate records. Additional requirements for the protection of monuments, corners, and bearing trees may be prescribed by the Authorized Officer.
 - 1.11.3 The Alaska Department of Transportation and Public Facilities (ADOT/PF) currently has a Right-of-Way Grant issued by BLM that includes access to a small storage building and a 100' x 100' area where the building is located (BLM Serial No. FF091062). Permittee shall ensure that operations on the Atigun Camp pad will not interfere with ADOT/PF access to the building located on the same camp pad.
 - 1.11.4 Activities conducted under this TUP shall not disturb or destroy pipelines, fuel gas lines, roads, trails, work pads, survey monuments and/or ROW markers, Cathodic protection devices, monitoring rods, drainage/erosion control structures or any other facilities or properties existing on the public lands. Any disturbance of these facilities or properties by the permittee in the conduct or operations under this TUP will be reported to the BLM/OPM Authorized Officer and shall be restored to the satisfaction of the BLM/OPM Authorized Officer.

- 1.12 For purposes of information and review, the BLM/OPM Authorized Officer may call upon permittee at any time to furnish any or all data related to operation, maintenance and termination activities undertaken in connection with the TUP.
- 1.13 Applicability of Stipulations
 - 1.13.1 Nothing in these Special Stipulations shall be construed as applying to activities of permittee that have no relation to the TUP.
 - 1.13.2 Nothing in these Special Stipulations shall be construed to affect any right or cause of action that otherwise would be available to permittee against any person other than the United States.
- 1.14 If permittee appoints an agent to operate, maintain and terminate the TUP, permittee shall give prompt written notice to the BLM/OPM Authorized Officer of such designation and provide the name and office address in the State of Alaska of the agent. If permittee substitutes a new agent at any time, permittee shall give prompt written notice to the BLM/OPM Authorized Officer of such substitution and provide the name and office address in the State of Alaska of the new agent.

2. LIABILITY

- 2.1 The permittee shall indemnify the United States against any and all liability for damage to life or property arising from the occupancy or use of public lands under this TUP.
- 2.2 The permittee shall be liable to the United States and third parties in accordance with the requirements of 43 CFR 2886.13. The permittee shall also fully indemnify or hold harmless the United States for liability, damage or claims arising in connection with permittee's development, use and occupancy of the TUP.
- 2.3 The permittee shall be liable for restoration of the land damaged during construction, maintenance or operation. Repair of any damage will be to the satisfaction of the BLM/OPM Authorized Officer.

3. BONDING

- 3.1 Permittee must obtain a surety bond or other acceptable security to cover any losses, damages, or injury to human health, the environment, and property incurred in connection with permittee's use and occupancy of the TUP area, including termination of the TUP, and to secure all obligations imposed by the TUP and applicable laws and regulations. Permittee's bond must cover liability for damages or injuries resulting from releases or discharges of hazardous materials.
- 3.2 A bond, acceptable to the BLM/OPM Authorized Officer, shall be furnished by the permittee by July 1, 2009, or at such earlier date as may be specified by the BLM/OPM Authorized Officer. The amount of this bond shall be determined by the BLM/OPM Authorized Officer. This bond must be maintained in effect until removal of improvements and restoration of the TUP area has been accepted by the BLM/OPM Authorized Officer.

- 3.3 Should the bond delivered under this TUP become unsatisfactory to the BLM/OPM Authorized Officer, the permittee, shall, within 30 days of demand, furnish a new bond.

4. LICENSING

- 4.1 Permittee shall be responsible for all permits, licenses, certificates, or other approvals from other Federal, State, or local government agencies which are required to operate the camp (i.e. temporary water use permit for potable water, gray water disposal permit, solid waste disposal permit, permits for food preparation, and air quality permit). The BLM/OPM Authorized Officer may request copies of the permits, licenses, certificates, or other approvals for verification.
- 4.2 Temporary trash storage (except food waste) is allowed in the TUP area; however storage shall be in accordance with Alaska Department of Environmental Conservation (ADEC) requirements under 18 AAC 50 and 18 AAC 60.
- 4.3 Treatment and disposal of graywater shall be in accordance with all ADEC requirements under 18 AAC 72.
- 4.4 The permittee shall meet Federal, State, and local emission standards for air quality.

5. OPERATION

- 5.1 Prior to use of the facilities, an authorized representative for the BLM/OPM Authorized Officer shall conduct a Level I site survey and complete a site surveillance report to document site conditions.
- 5.2 Primary access shall be limited to the existing roads and camp pad, unless specifically authorized in writing.
- 5.3 Land use activity, including any construction, shall be conducted to minimize disturbance to existing vegetation.
- 5.4 The TUP area limits shall be staked prior to commencement of any surface disturbing activities. All activities which involve surface disturbance shall be confined to the area shown on Exhibit A. All camp related activities shall be limited to areas having previous surface disturbance.
- 5.5 The site shall be kept in a neat and orderly manner. If deficiencies are found, BLM will give holder a written notice outlining the necessary corrections and specify a time in which holder must make such corrections.
- 5.6 The presence of privately owned vehicles in the TUP area is prohibited. Only company owned (Denali or contractor) vehicles will be allowed within the camp area. Vehicles owned or operated by regulatory personnel are exempt from this stipulation.
- 5.7 The permittee shall not authorize or sub-grant the right to use the permittee's facilities authorized under this TUP to any third party.
- 5.8 The permittee shall maintain a list of hazardous materials utilized on site.

- 5.9 The permittee shall be responsible for preventing the spread of non-native, invasive plant species caused by operations on the public lands. Permittees are advised to be familiar with non-native, invasive plant species in Alaska and to take measures to avoid contributing to the spread of such plants. As of 2008, there were no non-native, invasive plant species at the Atigun Camp pad.

5.10 Bear Safety

- 5.10.1 An electric bear-proof fence should be installed and operational around the entire camp to prevent bears from entering the camp area. The fence will be installed and operational before the camp is occupied. (Information on electric fencing can be found at:
<http://wildlife.alaska.gov/index.cfm?adfg=bears.efences.>)
- 5.10.2 Food waste should be stored and hauled out of the camp area on a daily basis to minimize potential for human/wildlife interaction in accordance with the Alaska Department of Fish and Game (ADF&G), Wildlife Conservation Division *Policy on Human Food and Solid Waste Management and Bears in Alaska* (as published on <http://wildlife.alaska.gov/index.cfm?adfg=bears.bearpolicy.>).
- 5.10.3 If a human/bear interaction or incident occurs, the permittee must immediately notify and report the incident to the BLM/OPM Authorized Officer and the ADF&G, Wildlife Conservation Division, Fort Yukon Area Office, Biologist (907-459-7213).
- 5.9.4 Vehicles parked outside of the fenced area shall have all food, food wrappers, cups, or used napkins removed from them.

5.11 Pollution Control

- 5.11.1 Permittee shall conduct all activities associated with the TUP in a manner that will avoid or minimize degradation of air, land and water quality. In the operation, maintenance and termination of the TUP, permittee shall perform their activities in accordance with applicable air and water quality standards, related facility siting standards, and related plans of implementation, including but not limited to standards adopted pursuant to the Clean Air Act of July 14, 1955, as amended, (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1321 et seq.)
- 5.11.2 Permittee shall utilize and operate all facilities and devices used in connection with the TUP so as to avoid or minimize air pollution and ice fog. Facilities and devices which cannot be prevented from producing ice fog shall be located so as not to interfere with airfields, communities or roads.

5.12 Sanitation and Waste Disposal

- 5.12.1 "Waste" means all discarded matter, including but not limited to human waste, trash, garbage, refuse, oil drums, petroleum products, ashes and equipment.
- 5.12.2 All waste generated during operation, maintenance and termination of the TUP shall be removed or otherwise disposed of in a manner acceptable to the BLM/OPM Authorized Officer. All applicable standards and guidelines of the Alaska State Department of Environmental Conservation (ADEC), the United

States Public Health Service, the Environmental Protection Agency, and other Federal and State agencies shall be adhered to by permittee. All incinerators shall meet the requirements of applicable Federal and State laws and regulations and shall be used with maximum precautions to prevent forest and tundra fires. After incineration, material not consumed in the incinerator shall be disposed of in a manner approved in writing by the BLM/OPM Authorized Officer. Portable or permanent waste disposal systems to be used shall be approved in writing by the BLM/OPM Authorized Officer.

- 5.12.3 Hazardous materials utilized on site will be stored and disposed of in accordance with all Federal and State regulations.

6. MAINTENANCE

- 6.1 Permittee shall maintain the TUP in a safe, usable condition, as directed by the BLM/OPM Authorized Officer. (A regular maintenance program shall include, but is not limited to, bear fencing, snow plowing, grading of ingress and egress to site.)
- 6.2 Fuel storage facilities shall not be placed within 200 feet of water bodies and must be within an impermeable diked area of 110 percent capacity of the largest independent fuel container. Manifold tanks or bladders must be considered as a single container. Fuel storage must be approved in writing by the BLM/OPM Authorized Officer.
- 6.3 Within 48 hours of a spill on public lands the permittee shall contact:
- 1) BLM/OPM Authorized Officer,
 - 2) ADEC, Division of Prevention & Emergency Response, Fairbanks (907-451-2107), and
 - 3) BLM Fairbanks Authorized Officer, Shelly Jacobson (907-474-2356) or Rebecca Hile (907-474-2371).

In the event of an oil spill as a result of camp related activities, to be reported in accordance with 18 AAC 75.300.

- 6.4 The permittee shall be responsible for weed control on disturbed areas within the limits of the TUP. The permittee is responsible for consultation with the BLM/OPM Authorized Officer and/or local authorities for acceptable weed control methods.
- 6.5 The permittee shall furnish and apply water for dust control in the TUP area during periods of housing occupancy or as requested by BLM/OPM Authorized Officer.
- 6.6 Permittee shall promptly notify the BLM/OPM Authorized Officer and take all measures necessary or appropriate for the prevention and suppression of fires in accordance with 43 CFR 2885.11(b)(4). Permittee shall comply with the instructions and directions of the BLM/OPM Authorized Officer concerning the use, prevention and suppression of fires. Use of open fires in connection with operation and/or maintenance of the TUP are prohibited unless authorized in writing by the BLM/OPM Authorized Officer.

- 6.7 In the event that snow plowing is required, no snow shall be plowed or piled outside of the existing disturbed area.

7. TERMINATION

7.1 Restoration

- 7.1.1 The TUP area shall be restored to the satisfaction of the BLM/OPM Authorized Officer and in accordance with 43 CFR 2885.11(b), Terms and Conditions of Use as stated in writing.
 - 7.1.2 If during any phase of the operation, maintenance or termination of the TUP, any oil or other pollutant should be discharged within the TUP area, the control and total removal, disposal and cleaning up of such oil or other pollutant, wherever found, shall be the responsibility of permittee, regardless of fault. Upon failure of permittee to control, dispose of, or clean up such discharge, the BLM/OPM Authorized Officer may take such measures as he deems necessary to control and clean up the discharge at the full expense of permittee. Such action by the BLM/OPM Authorized Officer shall not relieve permittee of any responsibility as provided herein.
 - 7.1.3 Removal of any non-native, invasive plant species from the Atigun Camp pad shall be required prior to bond release.
 - 7.1.4 If the terrain is covered by snow during the removal of the microwave antenna, then a snow machine and sled may be used to transport the equipment from the site. If not, it will be hand carried unless use of an off road vehicle is approved.
 - 7.1.5 Upon completion of restoration, permittee shall immediately remove all equipment and supplies from the site.
- 7.2 Prior to termination of the TUP, an authorized representative for the BLM/OPM Authorized Officer shall conduct a Level I site survey and complete a site surveillance report to document site conditions and restoration.

